IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 5TH DAY OF NOVEMBER, 2026

PRESENT

THE HON'BLE MRS. JUSTICE ANU SIVARAMAN

AND

THE HON'BLE MR. JUSTICE K.S.BHARATH KUMAR

COMMERCIAL APPEAL NO.67 OF 2024

BETWEEN:

1. SHRIRAM GLOBAL SCHOOL
   NAGANAYAKANAKOTE
   SAMETHANAHALLI POST
   WHITEFIELD, BANGALORE - 560 067

   A SCHOO RUN BY NATURE'S
   ACADEMY OF EDUCATION
   A REGISTERED TRUST HAVING ITS
   REGISTERED OFFICE AT FLAT NO.SIG 806
   GOLDEN BLOSSOM APARTMENT
   KADUGODI, BANGALORE - 560 027
   REPRESENTED BY ITS CHAIRMAN
   B. BALKRISHNA REDDY

2. NATURE'S ACADEMY OF EDUCATION
   A REGISTERED TRUST HAVING ITS REGISTERED
   OFFICE AT FLAT NO.SIG 806
   GOLDEN BLOSSOM APARTMENT
   KADUGODI, BANGALORE- 560 027

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Location: High Court of Karnataka

REPRESENTED BY ITS CHAIRMAN

B. BALKRISHNA REDDY

…APPELLANTS

(BY SRI. V. MANJUNATH PRASAD, ADV. FOR
SRI. HARSHA KUMAR GOWDA H. R., ADV.)

AND:

1. SCHOOL TRANSPORT CORPORATION
NO.6, AZEEMA BUILDING, A V ROAD
KALASIPALYAM
BANGALORE - 560 002
REPRESENTED BY ITS PARTNER
SHIVAPRASAD

2. MUKESH KUMAR SINGH
S/O BIRANDRA KUMAR SINGH
MANAGING TRUSTEE OF
SHRIRAM GLOBAL SCHOOL
R/AT FLAT NO. SIG 806
GOLDEN BLOSSOM APARTMENT
KADUGODI
BENGALURU - 560 067

3. B BALAKRISHAN REDDY
MANAGING TRUSTEE OF
SHRIRAM GLOBAL SCHOOL
WHITEFIELD BRANCH
SAMETHANAHALLI POST
NAGANAYAKANAKOTE
BANGALORE - 560 067

4. AUROBINDA NANDA
S/O BINDU PRASAD NAIDU
TRUSTEE OF SHRIRAM GLOBAL SCHOOL
R/AT 177
RAINBOW

JUNNASANDRA VILLAGE
CARMELRAM POST
SARJAPURA ROAD
BANGALORE - 560 035

5. B RAGHUNATHA REDDY
S/O B. SUBBA REDDY
TRUSTEE OF SHRIRAM GLOBAL SCHOOL
R/AT Q.11
CHAITANYA SAMARPAN
SEGGAHALLI
KADUGODI
HOSKOTE ROAD
BANGALORE - 560 067

6. SMT SARASWATHI
W/O B RAGHUNADHA REDDY
TRUSTEE OF SHRIRAM GLOBAL SCHOOL
R/AT Q.11
CHAITANYA SAMARPAN
SEGGAHALLI
KADUGODI
HOSKOTE ROAD
BANGALORE - 560 067

7. SMT DHARITRI MISHRA
W/O AROBINDA NANDA
TRUSTEE OF SHRIRAM GLOBAL SCHOOL
R/AT 177
RAINBOW
JUNNASANDRA VILLAGE
CARMELRAM POST
SARJAPURA ROAD
BANGALORE - 560 035

8. SMT SEEMA SINGH
W/O MUKESH KUMAR SINGH

TRUSTEE OF SHRIRAM GLOBAL SCHOOL
R/AT FLAT NO. SIG 806
GOLDEN BLOSSOM APARTMENT
KADUGODI
BENGALURU - 560 067

…RESPONDENTS

(BY SRI. AKSHAY KUMAR JAIN, ADV. FOR R1;
SRI. SHARAN B. TADAHAL, ADV. FOR R2 & R8;
SRI. RAMA R. IYER AND SRI. MAHADEVA SWAMY D.M., ADV. FOR R4 & R7;
R3-SERVED;
V/O DATED 01.08.2025, NOTICE TO R5 & R6 ARE DISPENSED WITH)

THIS COMMERCIAL APPEAL IS FILED UNDER SECTION 13(1-A) OF THE COMMERCIAL COURTS ACT, 2015, PRAYING TO ALLOW THE ABOVE APPEAL, SET ASIDE THE JUDGMENT AND DECREE DATED 01.04.2023, PASSED BY THE LXXXIII ADDL. CITY CIVIL AND SESSIONS JUDGE, BANGALORE, IN COM.O.S. NO. 359/2019.

THIS COMAP HAVING BEEN HEARD AND RESERVED FOR JUDGMENT ON 28.10.2026 AND COMING ON FOR PRONOUNCEMENT OF JUDGMENT THIS DAY, **ANU SIVARAMAN J.,** PRONOUNCED THE FOLLOWING:

CORAM: HON'BLE MRS. JUSTICE ANU SIVARAMAN
AND
HON'BLE MR. JUSTICE K.S.BHARATH KUMAR

CAV JUDGMENT

(PER: HON'BLE MRS. JUSTICE ANU SIVARAMAN)

This Commercial Appeal is filed under Section 13(1-A) of the Commercial Courts Act, 2015, challenging the judgment and decree dated 01.04.2023 passed by the LXXXIII Additional City Civil and Sessions Judge at Bengaluru City ('Commercial Court' for short) in Com.O.S.No.359/2019, whereby the suit filed by the plaintiff was partly decreed with costs and defendant No.1 was directed to pay a sum of Rs.35,41,040/- to the plaintiff with interest at 9% per annum from the date of suit till realisation.

2. We have heard Shri. V. Manjunath Prasad, learned counsel appearing for the appellants, Shri. Akshay Kumar Jain, learned counsel appearing for respondent No.1, Shri. Sharan B. Tadahal, learned counsel appearing for respondents No.2 and 8 and Shri. Rama R. Iyer, learned counsel appearing for respondents No.4 and 7.

3. The appeal has been filed on 19.02.2024 with a delay of 261 days. I.A.No.1/2024 is filed seeking

condonation of the said delay. In the affidavit filed in support of the application seeking condonation of delay, it is stated that appellant No.1 – School is run by appellant No.2 – Trust and that, owing to *inter se* disputes amongst the Trustees, proceedings in O.S.No.982/2018 were pending concerning the administration of the School. It is stated that appellant No.2 had not been arrayed as a defendant in Com.O.S.No.359/2019 and its Chairman had not been served with summons and was therefore unaware of the pendency of the suit. It is further stated that he came to know of the impugned judgment and decree only on 12.10.2023, when the Amin/Process Server of the Commercial Court informed the security guard of the School that an attachment warrant had been issued. Thereafter, on making enquiries, an application for certified copies of the judgment and decree was filed and the copies were received on 25.11.2023. It is stated that, on coming to know of Execution Petition No.412/2023 filed by respondent No.1, the appellants entered appearance therein on 16.12.2023 and sought time to file objections. It is further stated that

efforts were thereafter made to negotiate with respondent No.1, but no settlement could be arrived at, necessitating the filing of the present appeal. It is further submitted that the appellants have a good case on merits and if the delay in filing the appeal is not condoned, the appellants would be put to great hardship and injury.

4. The learned counsel appearing for respondent No.1 contends that even assuming that the appellants came to know of the impugned judgment only on 12.10.2023, they had entered appearance in Execution Petition No.412/2023 on 16.12.2023 and yet did not prefer the appeal until 19.02.2024, for which period no satisfactory explanation has been offered. It is further contended that the plea that appellant No.2 had not been arrayed as a party or served with summons in Com.O.S.No.359/2019 cannot be accepted and that the proceedings had been permitted to go *ex parte* despite service. The *inter se* disputes among the Trustees and the proceedings in O.S.No.982/2018 are stated to be wholly extraneous to the question of limitation and incapable of constituting sufficient cause for the delay. The

further plea that attempts were being made to negotiate with respondent No.1 is also contended to be an afterthought and such negotiations could neither suspend the period of limitation nor justify the delay in approaching the Court. It is further contended that, having regard to the object of the Commercial Courts Act of ensuring expeditious resolution of commercial disputes, delay in filing a commercial appeal cannot be condoned as a matter of course. Placing reliance on the decision of the Apex Court in ***Jharkhand Urja Utpadan Nigam Ltd. and Another v. Bharat Heavy Electricals Limited*** reported in ***2025 SCC OnLine SC 910***, it is contended that the delay in preferring the present appeal is inordinate and that no sufficient cause has been shown for its condonation.

5. We have considered the contentions advanced and perused the averments made in the affidavit. The Apex Court in ***Government of Maharashtra (Water Resources Department) v. Borse Brothers Engineers and Contractors (P) Ltd*** reported in ***(2021) 6 SCC 460***, has clearly held that sufficient cause for condonation of delay

must be assessed in the context of the statutory object of speedy resolution of disputes. The Apex Court held the following:-

> ***"58.*** *Given the object sought to be achieved under both the Arbitration Act and the Commercial Courts Act, that is, the speedy resolution of disputes, the expression "sufficient cause" is not elastic enough to cover long delays beyond the period provided by the appeal provision itself. Besides, the expression "sufficient cause" is not itself a loose panacea for the ill of pressing negligent and stale claims. This Court, in Basawaraj v. LAO , has held : (SCC pp. 85-88, paras 9-15)*
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> > *"9. Sufficient cause is the cause for which the defendant could not be blamed for his absence. The meaning of the word "sufficient" is "adequate" or "enough", inasmuch as may be necessary to answer the purpose intended. Therefore, the word "sufficient" embraces no more than that which provides a platitude, which when the act done suffices to accomplish the purpose intended in the facts and circumstances existing in a case, duly examined from the viewpoint of a reasonable standard of a cautious man. In this context, "sufficient cause" means that the party should not have acted in a negligent manner or there was a want of bona fide on its part in view of the facts and circumstances of a case or it cannot be alleged that the party has "not acted diligently" or "remained inactive". However, the facts and circumstances of each case must afford sufficient ground to enable the court concerned to exercise discretion for the reason that whenever the court exercises discretion, it has to be exercised judiciously. The applicant must satisfy the court that he was prevented by any "sufficient cause" from prosecuting his case, and unless a satisfactory explanation is furnished, the court should not allow the application for condonation*

of delay. The court has to examine whether the mistake is bona fide or was merely a device to cover an ulterior purpose.

10. In Arjun Singh v. Mohindra Kumar this Court explained the difference between a "good cause" and a "sufficient cause" and observed that every "sufficient cause" is a good cause and vice versa. However, if any difference exists it can only be that the requirement of good cause is complied with on a lesser degree of proof than that of "sufficient cause".

11. The expression "sufficient cause" should be given a liberal interpretation to ensure that substantial justice is done, but only so long as negligence, inaction or lack of bona fides cannot be imputed to the party concerned, whether or not sufficient cause has been furnished, can be decided on the facts of a particular case and no straitjacket formula is possible.

12. It is a settled legal proposition that law of limitation may harshly affect a particular party but it has to be applied with all its rigour when the statute so prescribes. The court has no power to extend the period of limitation on equitable grounds. 'A result flowing from a statutory provision is never an evil. A court has no power to ignore that provision to relieve what it considers a distress resulting from its operation.' The statutory provision may cause hardship or inconvenience to a particular party but the court has no choice but to enforce it giving full effect to the same. The legal maxim dura lex sed lex which means "the law is hard but it is the law", stands attracted in such a situation. It has consistently been held that, "inconvenience is not" a decisive factor to be considered while interpreting a statute.

13. The statute of limitation is founded on public policy, its aim being to secure peace in the community, to suppress fraud and perjury, to quicken diligence and to prevent oppression. It seeks to bury all acts of the past which have not been agitated unexplainably and have from lapse

of time become stale. According to Halsbury's Laws of England, Vol. 28, Para 605 p. 266:

'605. Policy of the Limitation Acts.—The courts have expressed at least three differing reasons supporting the existence of statutes of limitation, namely, (1) that long dormant claims have more of cruelty than justice in them, (2) that a defendant might have lost the evidence to disprove a stale claim, and (3) that persons with good causes of actions should pursue them with reasonable diligence.'

An unlimited limitation would lead to a sense of insecurity and uncertainty, and therefore, limitation prevents disturbance or deprivation of what may have been acquired in equity and justice by long enjoyment or what may have been lost by a party's own inaction, negligence or laches.

14. In P. Ramachandra Rao v. State of Karnataka this Court held that judicially engrafting principles of limitation amounts to legislating and would fly in the face of law laid down by the Constitution Bench in Abdul Rehman Antulay v. R.S. Nayak .

15. The law on the issue can be summarised to the effect that where a case has been presented in the court beyond limitation, the applicant has to explain the court as to what was the "sufficient cause" which means an adequate and enough reason which prevented him to approach the court within limitation. In case a party is found to be negligent, or for want of bona fide on his part in the facts and circumstances of the case, or found to have not acted diligently or remained inactive, there cannot be a justified ground to condone the delay. No court could be justified in condoning such an inordinate delay by imposing any condition whatsoever. The application is to be decided only within the parameters laid down by this Court in regard to the condonation of delay. In case there was no sufficient cause to prevent a litigant to approach the court on time condoning the delay without any justification, putting any condition

> *whatsoever, amounts to passing an order in violation of the statutory provisions and it tantamounts to showing utter disregard to the legislature."*
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> *x x x x x*
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> ***63.*** *Given the aforesaid and the object of speedy disposal sought to be achieved both under the Arbitration Act and the Commercial Courts Act, for appeals filed under Section 37 of the Arbitration Act that are governed by Articles 116 and 117 of the Limitation Act or Section 13(1-A) of the Commercial Courts Act, a delay beyond 90 days, 30 days or 60 days, respectively, is to be condoned by way of exception and not by way of rule. In a fit case in which a party has otherwise acted bona fide and not in a negligent manner, a short delay beyond such period can, in the discretion of the court, be condoned, always bearing in mind that the other side of the picture is that the opposite party may have acquired both in equity and justice, what may now be lost by the first party's inaction, negligence or laches."*

6. The Apex Court, in ***Postmaster General v. Living Media India Ltd*** reported in ***(2012) 3 SCC 563***, held that ordinary movement of files through administrative channels, without a reasonable and acceptable explanation showing *bona fide* efforts, cannot constitute sufficient cause. Government departments and their instrumentalities are equally bound by the law of limitation and must pursue their remedies with diligence. Further, in ***Jharkhand Urja***

Utpadan Nigam Ltd's case (supra) while considering delay in an appeal under Section 13(1A) of the Commercial Courts Act, the Apex Court reiterated the obligation of a litigant and its counsel to monitor the proceedings and take timely steps to obtain the judgment. The Apex Court declined to interfere with the refusal to condone the delay of 301 days in filing the commercial appeal.

7. Further, in ***Shivamma (Dead) by LRs v. Karnataka Housing Board*** reported in ***2025 INSC 1104,*** while considering condonation of delay in a second appeal, the Apex Court held that a party invoking Section 5 of the Limitation Act must explain the course of events from the commencement of limitation until the actual filing of the appeal. The inquiry is therefore not confined to a bare explanation for the days falling after the prescribed period has expired. The Court clarified that the length of the delay may be relevant, but the acceptability of the explanation is decisive. The Court also recognised that "sufficient cause" must be assessed on the facts of each case and that a justice-oriented approach remains available where the

explanation genuinely warrants it. It was held that administrative lethargy or laxity cannot itself constitute sufficient cause.

8. In the instant case, the impugned judgment and decree were passed on 01.04.2023, whereas the present appeal came to be filed only on 19.02.2024. It is the contention of the appellants that the Chairman of appellant No.2 – Trust came to know of the impugned judgment and decree only on 12.10.2023. The certified copies were obtained on 25.11.2023 and the appellants entered appearance in Execution Petition No.412/2023 on 16.12.2023. However, the appeal was preferred only on 19.02.2024. There is no satisfactory explanation for the delay thereafter. The *inter se* disputes amongst the Trustees and the pendency of O.S.No.982/2018 do not furnish sufficient cause for the delay, particularly after the appellants had acquired knowledge of the impugned judgment and decree. The plea that efforts were being made to negotiate with respondent No.1 also cannot justify the

delay, since such negotiations do not suspend the period of limitation.

9. In the above view of the matter, we are of the opinion that the appellants have failed to establish sufficient cause for condonation of the delay. The material on record also does not disclose due diligence on their part in pursuing the appellate remedy. Accordingly, I.A.No.1/2024 seeking condonation of delay is ***dismissed***. Consequently, the appeal is also ***dismissed***.

All pending interlocutory applications shall stand *disposed of.*

Sd/-
(ANU SIVARAMAN)
JUDGE

Sd/-
(K.S.BHARATH KUMAR)
JUDGE

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